

REMARKS

Claims 1 through 8 were presented for examination in the present application and are presented for consideration upon entry of the instant amendment.

The abstract was objected to because it exceeded 150 words. The abstract has been amended accordingly. Reconsideration and withdrawal of the objection to the abstract are respectfully requested.

Claims 1 through 8 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/626,078 ("the '078 application"). Applicants respectfully traverse the rejection.

MPEP Section 804 states: "If a "provisional" nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer (emphasis added)".

The present application has a filing date of July 16, 2003. The '078 application, on the other hand, has a filing date of July 24, 2003. Therefore, the present application has an earlier filing date. In addition, there are no rejections remaining in the present application. However, the '078 application currently stands rejected on other grounds by way of a non-final Office Action dated December 6, 2005.


Thus, Applicants request reconsideration and withdrawal of the rejections to claims 1 through 8 so that the present application issues without a terminal disclaimer.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

Date: March 15, 2006

A handwritten signature in black ink, appearing to read 'el 22', followed by a long horizontal line extending to the right.

Edward L. McMahon
Reg. No. 44,927
Attorney for Applicant(s)
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th floor
Stamford, CT 06901-2682
Tel: (203) 327-4500
Fax: (203) 327-6401